

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CURTIS WILLIAMS,

Plaintiff,

v.

PHOENIX LAW PC,

Defendant.

CASE NO. 3:23-cv-05437-LK

ORDER TO SHOW CAUSE

This matter comes before the Court sua sponte. On June 28, 2023, the Court denied without prejudice Plaintiff Curtis Williams' motion for an entry of default. Dkt. No. 7. In particular, the Court questioned whether Williams had effectuated service of the summons and complaint on Defendant Phoenix Law, PC in accordance with Federal Rule of Civil Procedure 4. *Id.* at 1–3. The Court invited Williams to re-serve Phoenix Law if necessary. *Id.* at 4. There has been no activity of record since the Court issued its denial of Williams' motion, and the 90-day time limit for service has now expired. *See* Fed. R. Civ. P. 4(m).

Plaintiffs have a general duty to prosecute their claims, *see Fid. Phila. Tr. Co. v. Pioche Mines Consol., Inc.*, 587 F.2d 27, 29 (9th Cir. 1978), and they fail to fulfill this duty when they do

1 not litigate their case, *see, e.g., Spesock v. U.S. Bank, NA*, No. C18-0092-JLR, 2018 WL 5825439,
2 at *3 (W.D. Wash. Nov. 7, 2018). “[T]o prevent undue delays in the disposition of pending cases
3 and to avoid congestion in the calendars of the District Courts,” federal courts may exercise their
4 inherent power to dismiss a case sua sponte for failure to prosecute. *Link v. Wabash R. Co.*, 370
5 U.S. 626, 629–31 (1962).

6 The Court therefore ORDERS Williams to show cause why this case should not be
7 dismissed for failure to prosecute within 14 days of this Order. Failure to timely respond will result
8 in dismissal without prejudice.

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10 Dated this 15th day of August, 2023.

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Lauren King
13 United States District Judge
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